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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/685,562

10/14/2003

Dale W. Malik

190250-1440

4930

83658 7590 06/05/2009

AT & T Legal Department - WS

Attn: Patent Docketing

Room 2A-207

One AT & T Way

Bedminster, NJ 07921

EXAMINER

DAILEY, THOMAS J

ART UNIT

PAPER NUMBER

2452

MAIL DATE

DELIVERY MODE

06/05/2009

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/685,562	Applicant(s) MALIK, DALE W.	
	Examiner Thomas J. Dailey	Art Unit 2452	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 March 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-11 and 13-25 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-11 and 13-25 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) ☐ Notice of References Cited (PTO-892) | 4) ☐ Interview Summary (PTO-413) |
| 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) ☐ Information Disclosure Statement(s) (PTO/SB/08) | 5) ☐ Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) ☐ Other: _____ |

DETAILED ACTION

1. Claims 1-11 and 13-25 are pending.

Response to Arguments

2. The 35 U.S.C. 101 rejections directed at claims 9-11 have been withdrawn in view of the entered amendments.
3. Applicant's arguments filed March 3, 2009 have been fully considered but they are not persuasive.
4. The applicant argues, with respect to the prior art rejection of claim 1, that the combination of Manber (US Pat. 6,651,086) and DeSimone (US Pat. 6,212,548) fail to teach or suggest all the claim limitations. Specifically, the applicant contends, "[t]here is no indication in DeSimone of an IM message being sent to a participant in an already functioning chat session and in response to that message the participant in the chat session sending an option to the sender to join the chat room. Applicants respectfully submit that the cited sections of DeSimone merely discuss multiple chat sessions (at column 2, lines 30-37) and that any participant in a chat room can add a new participant to the chat room. Applicants submit the ability to add a new participant to a chat room does not identically disclose or suggest the feature of claim 1 of 'in response to receiving a

second IM message from a second sender to the recipient, sending a query to the second sender, the query including an option to join the IM chat session.”

The applicant further contends, “the feature discussed above is not within the set of known options, since it is not disclosed in any of the cited references,” and therefore the modification proposed by the examiner is not obvious and insubstantial, but rather obvious in light of improper hindsight reasoning.

5. The examiner disagrees. Firstly, the examiner notes, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986).

Secondly, it is the examiner’s contention that DeSimone discloses establishing an instant messaging (IM) chat session between a first sender and a recipient (column 6, lines 40-44, Dawn (first sender) initiates a chat session with Mike (a recipient)), the IM chat session being established by the first sender sending a first IM message to an IM address of the recipient (column 6, lines 40-67 and the pseudo code of column 7, Mike (the recipient and his IM address, i.e. the user’s unique ID) receives an IM message from Dawn via the communications server that initiates a chat).

While DeSimone may not explicitly disclose an option to join the chat session being sent to a second sender is in response to an IM message, DeSimone still

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discloses that any participant in a chat room (i.e. an instant messaging session) can add a new participant (column 7 and 8, lines 54-58) and the functionality to conduct multiple simultaneous real-time chat sessions (column 2, lines 30-37). That is to say, DeSimone has the capability to have Mike (the recipient) receive a message from a second sender (creating a new chat session) and invite that second sender to the already established chat room between Dawn (first sender) and Mike. DeSimone just does not disclose that such an invitation would be responsive to an IM message. However, DeSimone, at the very least suggests to one of ordinary skill in the art, when combined with the Manber reference, the claimed invention due to the capabilities described above and taking into account what was within the technical grasp of one of ordinary skill in the art.

In response to applicant's argument that the examiner's conclusion of obviousness is based upon improper hindsight reasoning, it must be recognized that any judgment on obviousness is in a sense necessarily a reconstruction based upon hindsight reasoning. But so long as it takes into account only knowledge which was within the level of ordinary skill at the time the claimed invention was made, and does not include knowledge gleaned only from the applicant's disclosure, such a reconstruction is proper. See *In re McLaughlin*, 443 F.2d 1392, 170 USPQ 209 (CCPA 1971).

Lastly, the examiner contends it is well within the technical grasp to send an option to join an established chat session *in response* to an IM message, as responsive applications are common in the art and both DeSimone and Manber

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disclose adding user to chat sessions. Further, such a modification would lead to anticipated success as both DeSimone and Manber disclose joint conversations between 3 or more users, which is the also the end result of the claimed invention.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. **Claims 1, 3, 9-10, 13, and 25** are rejected under 35 U.S.C. 103(a) as being unpatentable over **Manber** (US Pat. 6,651,086), in view of **DeSimone** (US Pat. 6,212,548, cited previously).

8. As to claim 1, Manber a communication method comprising:

establishing an instant messaging (IM) chat session between a first sender and a recipient (column 1, lines 43-48);

receiving an IM message from a second sender to the recipient (column 2, lines 1-13, a conversion starter (recipient) receives messages from users who wish to join the conversion (multiple users can join the conversion, so any user

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who is the first to send will be the first sender and any subsequent sender will be the second sender));

receiving a response indicating a desire by the second sender to join the IM chat session, sending a query to the recipient to establish an IM chat room with the second sender (column 2, lines 1-9, a sender intending to join the discussion (the second sender) sends a message (the indication that the second sender wishes to join the conversation) to the conversation starter (recipient) who either accepts it (allows second sender to join) or rejects it (second sender is not allowed to join)); and

in response to receiving an indication from the recipient to establish an IM chat room with the second sender, establishing the IM chat room between the recipient, the first sender, and the second sender (column 2, lines 9-13, the responding user (the second sender) joins the conversation after being accepted by the conversation starter (recipient) along with any other user already involved in the conversation (the first sender)).

But, Manber does not explicitly disclose the IM chat session is initially established by the first sender sending a first IM message to an IM address of the recipient and in response to receiving the IM message from the second sender to the recipient, sending a query to the second sender, the query including an option to join the IM chat session.

However, DeSimone discloses establishing an instant messaging (IM) chat session between a first sender and a recipient (column 6, lines 40-44, Dawn (first sender) initiates a chat session with Mike (a recipient)), the IM chat session being established by the first sender sending a first IM message to an IM address of the recipient (column 6, lines 40-67 and the pseudo code of column 7, Mike (the recipient and his IM address, i.e. the user's unique ID) receives an IM message from Dawn via the communications server that initiates a chat).

Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to combine the teachings of Manber and DeSimone in order to allow Manber's system to work with a broader range of instant messaging applications (i.e. one's such as DeSimone in which give user's unique IDs and direct messages to those IDs).

Still, DeSimone does not explicitly disclose an option to join the chat session being sent to a second sender is in response to an IM message, but does disclose that any participant in a chat room (i.e. an instant messaging session) can add a new participant (column 7 and 8, lines 54-58) and the functionality to conduct multiple simultaneous real-time chat sessions (column 2, lines 30-37). That is to say, DeSimone has the capability to have Mike (the recipient) receive a message from a second sender (creating a new chat session) and invite that second sender to the already established chat room between Dawn (first sender)

and Mike. DeSimone just does not disclose that such a invitation would be responsive to a IM message.

However, a person of ordinary skill has good reason to pursue the known options within his or her technical grasp, and if such a modification leads to anticipated success, it is likely the product not of innovation but of ordinary skill and common sense. Specifically, given both DeSimone's and Manber's teachings, one of ordinary skill in the art would view it as an obvious and unsubstantially modification to send an option to join a chat session *in response* to an IM message (such a modification is in the technical grasp as responsive applications are common in the art). Further, such a modification would lead to anticipated success as both DeSimone and Manber disclose joint conversions between 3 or more users, which is the end result of the claimed invention.

9. As to claims 9-10 and 13, they are rejected by the same rationale that was set forth in claim 1's rejection.

10. As to claim 3, Manber discloses

receiving a reply from the recipient (column 2, lines 1-9, a sender intending to join the discussion (the second sender) sends a message (the indication that the second sender wishes to join the conversation) to the conversation starter (recipient) who either accepts it (allows second sender to join) or rejects it

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(second sender is not allowed to join)), the reply being one selected from the group consisting of:

granting permission to join the IM chat session (column 2, lines 1-9); and

denying permission to join the IM chat session (column 2, lines 1-9); and

wherein the step of establishing the IM chat room is responsive to the reply being the granting of permission to join the IM chat session (column 2, lines 1-9).

11. As to claim 25, DeSimone discloses the first IM message is sent from an IM address of the first sender establishing an instant messaging (IM) chat session between a first sender and a recipient (column 6, lines 40-44).

12. **Claims 5, 7, 11, and 19** are rejected under 35 U.S.C. 103(a) as being unpatentable over **Manber** and **DeSimone** in further view of **Maehiro** (US Pat. 7,130,884).

13. As to claim 5, Manber disclose a communication method, comprising:
receiving an instant messaging (IM) message from a latter sender directed to a recipient (column 2, lines 1-13, a conversion starter (recipient) receives messages from users who wish to join the conversion (multiple users can join the conversion, so any user who is the first to send will be the first sender and any subsequent sender will be the latter sender));

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determining whether an IM chat session is established between the recipient and an earlier sender (column 1, lines 60-67, checks to see if there are established conversation);

in response to receiving an indication by the latter sender to join the IM chat session, sending a query to the recipient to establish an IM chat room with the latter sender (column 2, lines 1-9, a sender intending to join the discussion (the latter sender) sends a message (the indication that the second sender wishes to join the conversation) to the conversation starter (recipient) who either accepts it (allows second sender to join) or rejects it (second sender is not allowed to join)); and

in response to receiving a positive response from the recipient to the query to establish an IM chat room with the latter sender, establishing an the IM chat room between the recipient, the earlier sender, and the latter sender (column 2, lines 9-13, the responding user (the second sender) joins the conversation after being accepted by the conversation starter (recipient) along with any other user already involved in the conversation (the first sender)).

But, Manber does not explicitly disclose the initial IM message from the latter send is directed to an IM address of recipient.

However, DeSimone discloses establishing an instant messaging (IM) chat session between a first sender and a recipient (column 6, lines 40-44, Dawn (first

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sender) initiates a chat session with Mike (a recipient)), the IM chat session being established by the first sender sending a first IM message to an IM address of the recipient (column 6, lines 40-67 and the pseudo code of column 7, Mike (the recipient and his IM address, i.e. the user's unique ID) receives an IM message from Dawn via the communications server that initiates a chat).

Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to combine the teachings of Manber and DeSimone in order to allow Manber's system to work with a broader range of instant messaging applications (i.e. one's such as DeSimone in which give user's unique IDs and direct messages to those IDs).

However, DeSimone discloses establishing an instant messaging (IM) chat session between a first sender and a recipient (column 6, lines 40-44, Dawn (first sender) initiates a chat session with Mike (a recipient)), the IM chat session being established by the first sender sending a first IM message to an IM address of the recipient (column 6, lines 40-67 and the pseudo code of column 7, Mike (the recipient and his IM address, i.e. the user's unique ID) receives an IM message from Dawn via the communications server that initiates a chat).

But, Manber and DeSimone do not explicitly disclose in response to determining that an IM chat session is established between the recipient and the

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earlier sender, sending a query to the latter sender, the query including an option to join the IM chat session. Rather, Manber teaches that the user wishing to join the first conversation (the latter sender) is giving this option before sending the first IM message to the conversation starter (recipient), independent of whether a chat is established between another party.

However, Maehiro discloses determining whether an IM chat session is established between the recipient and an earlier sender (column 10, lines 27-31 and column 10, lines 35-45, Maehiro (recipient) has established chat with Junko (earlier sender) and receives message from Naoki (latter sender) and the messenger detects that the message exchange between Maehiro and Junko is interrupted by Naoki message) and in response to determining that an IM chat session is established between the recipient and the earlier sender, sending a query to the latter sender, the query including an option to join the IM chat session (column 10, lines 50-58 and column 11, lines 7-15).

Therefore it would have been to one of ordinary skill in the art at the time of the invention to combine the teaching of Manber and DeSimone with Maehiro in order to further simplify the transition from two users to three or more users in chat sessions (Maehiro, lines 54-59)

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14. As to claims 11 and 19, they are rejected by the same rationale that was set forth in claim 5's rejection.

15. As to claim 7, Manber and Maehiro disclose the invention substantially with regard to the parent claim 5, and further disclose:

receiving a reply from the recipient (Manber, column 2, lines 1-9, a sender intending to join the discussion (the second sender) sends a message (the indication that the second sender wishes to join the conversation) to the conversation starter (recipient) who either accepts it (allows second sender to join) or rejects it (second sender is not allowed to join)), the reply being one selected from the group consisting of:

granting permission to join the IM chat session (Manber, column 2, lines 1-9); and

denying permission to join the IM chat session (Manber, column 2, lines 1-9); and

wherein the step of establishing the IM chat room is responsive to the reply being the granting of permission to join the IM chat session (Manber, column 2, lines 1-9).

16. **Claims 2 and 14-15** are rejected under 35 U.S.C. 103(a) as being unpatentable over **Manber and DeSimone**, as applied to claims 1 and 13, in view of **Morris et al** (US Pat. 6,496,851), hereafter "Morris."

17. As to claims 2 and 14, Manber discloses the invention substantially with regard to the parent claims 1 and 13, but does not explicitly disclose:

receiving a reply from the second sender, the reply being one selected from the group consisting of:

an acceptance of the option to join the IM chat session; and

a rejection of the option to join the IM chat session; and

wherein the step of establishing the IM chat room is responsive to the reply being the acceptance of the invitation to join the IM chat session.

Rather, in Manber's system the second sender simply chooses to join conversation of his or her own volition; they are not explicitly invited.

However, Morris discloses an alternative measure to bring users into chat sessions including:

issuing an invitation to join the IM chat session, the invitation being issued to the second sender (column 12, lines 5-13, *this limitation is included so as to provide antecedent basis for the invitation recited in the subsequent limitations*);

receiving a reply from the second sender (Fig. 13 and column 12, lines 26-43), the reply being one selected from the group consisting of:

an acceptance of the invitation to join the IM chat session (column 12, lines 19-25); and

a rejection of the invitation to join the IM chat session (Fig. 13, lines 37-43); and

wherein the step of establishing the IM chat room is responsive to the reply being the acceptance of the invitation to join the IM chat session (column 12, lines 13-25).

Therefore it would have been obvious at the time of the invention to combine the teachings of Manber, DeSimone, and Morris in order to allow user to negotiate with others through the use of invitations and proposals which increases the options available to each user (Morris, column 3, lines 36-43).

18. As to claim 15, Manber and Morris disclose the invention substantially with regard to the parent claim 14, and further disclose

computer-readable code adapted to instruct a programmable device to receive a reply from the recipient (Manber, column 2, lines 1-9, a sender intending to join the discussion (the second sender) sends a message (the indication that the second sender wishes to join the conversation) to the conversation starter (recipient) who either accepts it (allows second sender to join) or rejects it (second sender is not allowed to join)), the reply being one selected from the group consisting of:

granting permission to join the IM chat session (Manber, column 2, lines 1-9); and

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denying permission to join the IM chat session (Manber, column 2, lines 1-9); and

wherein the step of establishing the IM chat room is responsive to the reply being the granting of permission to join the IM chat session (Manber, column 2, lines 1-9).

19. **Claim 4** is rejected under 35 U.S.C. 103(a) as being unpatentable over **Manber** and **DeSimone**, as applied to claim 1, in view of **Walker** et al. (US Pub. No. 2003/0064807 A1), hereafter “Walker.”

20. As to claim 4, Manber discloses the invention substantially with regard to the parent claim 1, but does not explicitly disclose:

issuing a request for permission to join the IM chat session, the request for permission being issued to the first sender;

receiving a reply from the first sender, the reply being one selected from the group consisting of:

granting permission to join the IM chat session; and

denying permission to join the IM chat session; and

wherein the step of establishing the IM chat room is responsive to the reply being the granting of permission to join the IM chat session.

Rather in Manber's system all entries into the conversation are approved by the conversation starter (the receipt) and that user only.

However Walker discloses a system which includes group approvals for entry into a chat, including:

issuing a request for permission to join the IM chat session, the request for permission being issued to the first sender ([0132], lines 1-5, the "groups" in particular embodiments include chat sessions as shown in [0242]);

receiving a reply from the first sender ([0132], lines 5-12), the reply being one selected from the group consisting of:

granting permission to join the IM chat session ([0132], lines 5-12); and

denying permission to join the IM chat session ([0132], lines 5-12); and

wherein the step of establishing the IM chat room is responsive to the reply being the granting of permission to join the IM chat session ([0132], lines 5-12).

Therefore it would have been obvious at the time of the invention to combine the teachings of Manber, DeSimone, and Walker in order to allow other users in Manber system to share the control over who joins into the conversations.

21. **Claims 6 and 20-21** are rejected under 35 U.S.C. 103(a) as being unpatentable over **Manber, Desimone, and Maehiro**, as applied to claims 5 and 19, and in further view of **Morris**.

22. As to claims 6 and 20, Manber and Maehiro disclose the invention substantially with regard to the parent claims 5 and 19, and but do not explicitly disclose:

receiving a reply from the second sender, the reply being one selected from the group consisting of:

an acceptance of the invitation to join the IM chat session; and

a rejection of the invitation to join the IM chat session; and

wherein the step of establishing the IM chat room is responsive to the reply being the acceptance of the invitation to join the IM chat session.

Rather, in Manber's system the second sender simply chooses to join conversion of his or her own volition; they are not explicitly invited.

However, Morris discloses an alternative measure to bring users into chat sessions including:

issuing an invitation to join the IM chat session, the invitation being issued to the second sender (column 12, lines 5-13, *this limitation is included so as to provide antecedent basis for the invitation recited the subsequent limitations*);

receiving a reply from the second sender (Fig. 13 and column 12, lines 26-43), the reply being one selected from the group consisting of:

an acceptance of the invitation to join the IM chat session (column 12, lines 19-25); and

a rejection of the invitation to join the IM chat session (Fig. 13, lines 37-43); and

wherein the step of establishing the IM chat room is responsive to the reply being the acceptance of the invitation to join the IM chat session (column 12, lines 13-25).

Therefore it would have been obvious at the time of the invention to combine the teachings of Manber and Maehiro with Morris in order to allow user to negotiate with others through the use of invitations and proposals which increases the options available to each user (Morris, column 3, lines 36-43).

23. As to claim 21, Manber, Maehiro, and Morris disclose the invention substantially with regard to the parent claims 20, and further disclose:

computer-readable code adapted to instruct a programmable device to receive a reply from the recipient (Manber, column 2, lines 1-9, a sender intending to join the discussion (the second sender) sends a message (the indication that the second sender wishes to join the conversation) to the conversation starter (recipient) who either accepts it (allows second sender to join) or rejects it (second sender is not allowed to join)), the reply being one selected from the group consisting of:

granting permission to join the IM chat session (Manber, column 2, lines 1-9); and

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denying permission to join the IM chat session (Manber, column 2, lines 1-9); and

24. **Claim 8** is rejected under 35 U.S.C. 103(a) as being unpatentable over **Manber, DeSimone, and Maehiro**, as applied to claim 5, and in further view of **Walker**.

25. As to claim 8, Manber and Maehiro disclose the invention substantially with regard to the parent claim 5, but do not explicitly disclose:

issuing a request for permission to join the IM chat session, the request for permission being issued to the first sender;

receiving a reply from the first sender, the reply being one selected from the group consisting of:

granting permission to join the IM chat session; and

denying permission to join the IM chat session; and

wherein the step of establishing the IM chat room is responsive to the reply being the granting of permission to join the IM chat session.

Rather in Manber's system all entries into the conversation are approved by the conversation starter (the receipt) and that user only.

However Walker discloses a system which includes group approvals for entry into a chat, including:

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issuing a request for permission to join the IM chat session, the request for permission being issued to the first sender ([0132], lines 1-5, the “groups” in particular embodiments include chat sessions as shown in [0242]);

receiving a reply from the first sender ([0132], lines 5-12), the reply being one selected from the group consisting of:

granting permission to join the IM chat session ([0132], lines 5-12); and

denying permission to join the IM chat session ([0132], lines 5-12); and

wherein the step of establishing the IM chat room is responsive to the reply being the granting of permission to join the IM chat session ([0132], lines 5-12).

Therefore it would have been obvious at the time of the invention to combine the teachings of Manber, DeSimone, and Maehiro with Walker in order to allow other users in Manber system to share the control over who joins into the conversations.

26. Claims 16-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Manber, DeSimone, and Morris**, as applied to claim 15, and in further view of **Walker**.

27. As to claim 16, Manber and Morris disclose the invention substantially with regard to the parent claims 15, and but do not disclose:

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issuing a request for permission to join the IM chat session, the request for permission being issued to the first sender;

receiving a reply from the first sender, the reply being one selected from the group consisting of:

granting permission to join the IM chat session; and

denying permission to join the IM chat session; and

Rather in Manber's system all entries into the conversation are approved by the conversation starter (the receipt) and that user only.

However Walker discloses a system which includes group approvals for entry into a chat, including:

issuing a request for permission to join the IM chat session, the request for permission being issued to the first sender ([0132], lines 1-5, the "groups" in particular embodiments include chat sessions as shown in [0242]);

receiving a reply from the first sender ([0132], lines 5-12), the reply being one selected from the group consisting of:

granting permission to join the IM chat session ([0132], lines 5-12); and

denying permission to join the IM chat session ([0132], lines 5-12); and

Therefore it would have been obvious at the time of the invention to combine the teachings of Manber, DeSimone, and Morris with Walker in order to allow

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other users in Manber system to share the control over who joins into the conversations.

28. As to claim 17, Manber, Morris, and Walker disclose the invention substantially with regard to the parent claims 16, and further disclose:

computer-readable code adapted to instruct a programmable device to establish the IM chat room in response to (Morris, column 12, lines 13-25, Manber, column 2, lines 4-8, and Walker, [0132], lines 5-12):

the reply from the second sender being the acceptance of the invitation to join the IM chat session (Morris, column 12, lines 13-25);

the reply from the recipient being the granting of permission to join the IM chat session (Manber, column 2, lines 4-8); and

the reply from the first sender being the granting of permission to join the IM chat session (Walker, [0132], lines 5-12).

29. As to claim 18, Manber, Morris, and Walker disclose the invention substantially with regard to the parent claims 16, and further disclose:

computer-readable code adapted to instruct a programmable device to establish the IM chat room in response to at least one of (Morris, column 12, lines 13-25; Manber, column 2, lines 4-8; and Walker, [0132], lines 5-12):

the reply from the second sender being the acceptance of the invitation to join the IM chat session (Morris, column 12, lines 13-25);

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the reply from the recipient being the granting of permission to join the IM chat session (Manber, column 2, lines 4-8); and

the reply from the first sender being the granting of permission to join the IM chat session (Walker, [0132], lines 5-12).

30. **Claims 22-24** are rejected under 35 U.S.C. 103(a) as being unpatentable over **Manber, DeSimone, Maehiro and Morris**, as applied to claim 21, and in further view of **Walker**.

31. As to claim 22, Manber, Maehiro, and Morris disclose the invention substantially with regard to the parent claims 21, and but do not disclose:

issuing a request for permission to join the IM chat session, the request for permission being issued to the first sender;

receiving a reply from the first sender, the reply being one selected from the group consisting of:

granting permission to join the IM chat session; and

denying permission to join the IM chat session; and

Rather in Manber's system all entries into the conversation are approved by the conversation starter (the receipt) and that user only.

However Walker discloses a system which includes group approvals for entry into a chat, including:

issuing a request for permission to join the IM chat session, the request for permission being issued to the first sender ([0132], lines 1-5, the “groups” in particular embodiments include chat sessions as shown in [0242]);

receiving a reply from the first sender ([0132], lines 5-12), the reply being one selected from the group consisting of:

granting permission to join the IM chat session ([0132], lines 5-12); and
denying permission to join the IM chat session ([0132], lines 5-12); and

Therefore it would have been obvious at the time of the invention to combine the teachings of Manber, DeSimone, Maehiro, and Morris with Walker in order to allow other users in Manber system to share the control over who joins into the conversations.

32. As to claim 23, Manber, Maehiro, Morris, and Walker disclose the invention substantially with regard to the parent claims 23, and further disclose:

computer-readable code adapted to instruct a programmable device to establish the IM chat room in response to (Morris, column 12, lines 13-25, Manber, column 2, lines 4-8, and Walker, [0132], lines 5-12):

the reply from the second sender being the acceptance of the invitation to join the IM chat session (Morris, column 12, lines 13-25);

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the reply from the recipient being the granting of permission to join the IM chat session (Manber, column 2, lines 4-8); and

the reply from the first sender being the granting of permission to join the IM chat session (Walker, [0132], lines 5-12).

33. As to claim 24, Manber, Maehiro, Morris, and Walker disclose the invention substantially with regard to the parent claims 23, and further disclose:

computer-readable code adapted to instruct a programmable device to establish the IM chat room in response to at least one of (Morris, column 12, lines 13-25, Manber, column 2, lines 4-8, and Walker, [0132], lines 5-12):

the reply from the second sender being the acceptance of the invitation to join the IM chat session (Morris, column 12, lines 13-25);

the reply from the recipient being the granting of permission to join the IM chat session (Manber, column 2, lines 4-8); and

the reply from the first sender being the granting of permission to join the IM chat session (Walker, [0132], lines 5-12).

Conclusion

34. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

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35. A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

36. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thomas J. Dailey whose telephone number is (571)270-1246. The examiner can normally be reached on Monday thru Friday; 9:00am - 5:00pm.

37. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Follansbee can be reached on 571-272-3964. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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38. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/T. J. D./
Examiner, Art Unit 2452

/Dohm Chankong/
Primary Examiner, Art Unit 2452